



March 23, 2001

ENGROSSED HOUSE BILL No. 1864

DIGEST OF HB 1864 (Updated March 21, 2001 3:03 PM - DI 98)

Citations Affected: IC 16-38; noncode.

Synopsis: Cancer and birth problems registries. Allows the state department of health to enter into a contract for the collection, analysis, and research of epidemiologic data compiled for the cancer registry. Beginning July 1, 2002, requires the state department of health to publish and make available to the public an annual report summarizing the information collected by the cancer registry during the previous calendar year. Requires certain severe disabilities that are recognized in a child after birth and before the child becomes two years of age to be reported to the birth problems registry. Makes provisions regarding the reporting of birth problems. Specifies that the state department of health is not required to implement the reporting of certain birth problems until receiving the necessary funding.

Effective: July 1, 2001.

Crawford, Murphy

(SENATE SPONSORS — GARD, BREAUX)

January 17, 2001, read first time and referred to Committee on Public Health.
February 1, 2001, reported — Do Pass.
February 8, 2001, read second time, amended, ordered engrossed.
February 9, 2001, engrossed.
February 12, 2001, read third time, passed. Yeas 96, nays 0.
February 14, 2001, returned to third reading for purpose of amendment.
February 19, 2001, reread third time, recommitted to Committee of One, amended; passed.
Yeas 98, nays 0.
February 20, 2001, re-engrossed.
SENATE ACTION
February 27, 2001, read first time and referred to Committee on Health and Provider Services.
March 22, 2001, amended, reported favorably — Do Pass.

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March 23, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED HOUSE BILL No. 1864

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-38-2-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** The state
3 department shall establish a cancer registry for the purpose of:

4 (1) recording all cases of malignant disease that are diagnosed or
5 treated in Indiana; and

6 (2) compiling necessary and appropriate information concerning
7 those cases, as determined by the state department;

8 in order to conduct epidemiologic surveys of cancer and to apply
9 appropriate preventive and control measures.

10 **(b) The department may contract for the collection and analysis
11 of, and the research related to, the epidemiologic data compiled
12 under this chapter.**

13 SECTION 2. IC 16-38-2-11 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2001]: **Sec. 11. Not later than July 1 of each year, the department
16 shall publish and make available to the public an annual report
17 summarizing the information collected under this chapter during**

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the previous calendar year.

SECTION 3. IC 16-38-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter, "birth problems" means one (1) or more of the following conditions:

- (1) A structural deformation.
- (2) A developmental malformation.
- (3) A genetic, inherited, or biochemical disease.
- (4) Birth weight less than two thousand five hundred (2,500) grams.
- (5) A condition of a chronic nature, including central nervous system hemorrhage or infection of the central nervous system, that may result in a need for long term health care.
- (6) Stillbirth.
- (7) Any other severe disability that is:
 - (A) designated in a rule adopted by the state department; and
 - (B) recognized in a child after birth and before the child becomes two (2) years of age.

SECTION 4. IC 16-38-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The state department of health shall adopt rules under IC 4-22-2 to:

- (1) define a birth problem; and
- (2) establish reporting requirements regarding birth problems for:
 - (A) hospitals;
 - (B) physicians;
 - (C) local health departments; and
 - (D) other health care providers designated by the state department.

(b) In adopting rules regarding the reporting of birth problems, the state department shall give consideration to the following factors:

- (1) The extent to which a condition can be measured or identified.
- (2) The extent to which there is a known intervention for a condition.
- (3) The significance of the burden imposed on the life of the individual by a condition.
- (4) Other factors that the state department determines appropriate.

SECTION 5. IC 16-38-4-8 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) The state department shall establish a birth problems registry for the purpose of recording all cases of birth problems that occur in Indiana residents and compiling necessary and appropriate information concerning those cases, as determined by the state department, in order to:

- (1) conduct epidemiologic and environmental studies and to apply appropriate preventive and control measures;
- (2) inform the parents of children with birth problems at the time of discharge from the hospital about care facilities and appropriate community resources; or
- (3) inform citizens regarding programs designed to prevent or reduce birth problems.

(b) The state department shall ~~use~~ **record in the birth problems registry:**

- (1) **all data concerning birth problems of children that are** provided from the certificate of live birth; and
- (2) **any additional information concerning a birth problem that** may be provided by a ~~physician, or local health department, an individual or entity described in section 7(a)(2) of this chapter~~ **concerning a birth problem that is:**

(A) **designated in a rule adopted by the state department;**
and

(B) **recognized:**

- (i) **after the ~~newborn child~~ is discharged from the hospital as a newborn; and**
- (ii) **before the child is two (2) years of age.**

(c) The state department shall provide a physician and a local health department with necessary forms for reporting under this chapter.

SECTION 6. IC 16-38-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) ~~Physicians, Nurse midwives local health departments, and hospitals and individuals and entities described in section 7(a)(2) of this chapter~~ shall report each confirmed case of a birth problem **that is recognized at the time of birth** to the registry not later than sixty (60) days after the birth. **An individual or entity described in section 7(a)(2) of this chapter who recognizes a birth problem in a child after birth but before the child is two (2) years of age shall report the birth problem to the registry not later than sixty (60) days after recognizing the birth problem.** Information may be provided to amend or clarify an earlier reported case.

(b) A person required to report information to the registry under this section may use, when completing reports required by this chapter,



1 information submitted to any other public or private registry or required
 2 to be filed with federal, state, or local agencies. However, the state
 3 department may require additional, definitive information.

4 (c) Exchange of information between state department registries is
 5 authorized. The state department may use information from another
 6 registry administered by the state department. Information used from
 7 other registries remains subject to the confidentiality restrictions on the
 8 other registries.

9 SECTION 7. IC 16-38-4-16.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2001]: **Sec. 16.5. To assure accurate,**
 12 **complete, and timely reporting of birth problems to the registry,**
 13 **the state department may review the medical records of an**
 14 **individual or entity required to report birth problems under this**
 15 **chapter.**

16 SECTION 8. IC 16-38-4-17 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. (a) The birth
 18 problems registry fund is established for the purpose of carrying out
 19 this chapter. The fund shall be administered by the state department.

20 (b) The expenses of administering the fund shall be paid from
 21 money in the fund.

22 (c) Money in the fund at the end of a particular fiscal year does not
 23 revert to the state general fund.

24 (d) **The state department is not required to implement the**
 25 **provisions of this chapter regarding birth problems described in**
 26 **section 1(7) of this chapter until the state department receives the**
 27 **funding necessary for implementation.**

28 SECTION 9. [EFFECTIVE JULY 1, 2001] (a) **Notwithstanding**
 29 **IC 16-38-2-11, as added by this act, the state department of health**
 30 **is not required to publish and make available to the public an**
 31 **annual report summarizing the information collected under**
 32 **IC 16-38-2 during the previous calendar year until July 1, 2002.**

33 (b) **This SECTION expires July 30, 2002.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1864, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN C, Chair

Committee Vote: yeas 13, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1864 be amended to read as follows:

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 3. IC 16-38-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter, "birth problems" means one (1) or more of the following conditions:

- (1) A structural deformation.
- (2) A developmental malformation.
- (3) A genetic, inherited, or biochemical disease.
- (4) Birth weight less than two thousand five hundred (2,500) grams.
- (5) A condition of a chronic nature, including central nervous system hemorrhage or infection of the central nervous system, that may result in a need for long term health care.
- (6) Stillbirth.

(7) Any other severe disability that is recognized in a child after birth and before the child becomes four (4) years of age.

SECTION 4. IC 16-38-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) The state department shall establish a birth problems registry for the purpose of recording all cases of birth problems that occur in Indiana residents and compiling necessary and appropriate information concerning those cases, as determined by the state department, in order to:

- (1) conduct epidemiologic and environmental studies and to apply appropriate preventive and control measures;
- (2) inform the parents of children with birth problems at the time of discharge from the hospital about care facilities and appropriate community resources; or
- (3) inform citizens regarding programs designed to prevent or reduce birth problems.

(b) The state department shall ~~use~~ **record in the birth problems registry:**

- (1) all data concerning birth problems of children that are provided from the certificate of live birth; and**
- (2) any additional information ~~concerning a birth problem~~ that may be provided by a physician, ~~or~~ local health department, hospital, or other health professional concerning a birth problem that is recognized:**

(A) after the ~~newborn child~~ is discharged from the hospital as a newborn; and

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(B) before the child is four (4) years of age.

(c) The state department shall provide a physician and a local health department with necessary forms for reporting under this chapter.

SECTION 5. IC 16-38-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) Physicians, nurse midwives, local health departments, and hospitals shall report each confirmed case of a birth problem **that is recognized at the time of birth** to the registry not later than sixty (60) days after the birth. **A physician, local health department, hospital, or other health professional who recognizes a birth problem in a child after birth but before the child is four (4) years of age shall report the birth problem to the registry not later than sixty (60) days after recognizing the birth problem.** Information may be provided to amend or clarify an earlier reported case.

(b) A person required to report information to the registry under this section may use, when completing reports required by this chapter, information submitted to any other public or private registry or required to be filed with federal, state, or local agencies. However, the state department may require additional, definitive information.

(c) Exchange of information between state department registries is authorized. The state department may use information from another registry administered by the state department. Information used from other registries remains subject to the confidentiality restrictions on the other registries.

SECTION 6. [EFFECTIVE JULY 1, 2001] (a) **The state department of health in cooperation with the Indiana University School of Public Health shall conduct an assessment of the completeness, timeliness, and accuracy of the data in the cancer registry (IC 16-38-2) and the birth problems registry (IC 16-38-4). The assessment must include public meetings and an opportunity for public comment.**

(b) **The assessment required under subsection (a) must be completed before July 1, 2003, and copies of the assessment presented to the governor and the legislative council.**

(c) **This SECTION expires July 1, 2003."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1864 as printed February 2, 2001.)

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HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1864 be placed back on third reading for the sole purpose of amendment.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1864 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Delete the amendment made on motion of Representative Crawford adopted February 8, 2001.

Re-number all SECTIONS consecutively.

(Reference is to EHB 1864 as printed February 9, 2001, and as amended on motion of Representative Crawford adopted February 8, 2001.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1864, begs leave to report that said bill has been amended as directed.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1864, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 15, after "July" insert "1".

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 3. IC 16-38-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter, "birth problems" means one (1) or more of the following conditions:

- (1) A structural deformation.
- (2) A developmental malformation.
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- (4) Birth weight less than two thousand five hundred (2,500) grams.
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- (6) Stillbirth.
- (7) **Any other severe disability that is:**
 - (A) **designated in a rule adopted by the state department; and**
 - (B) **recognized in a child after birth and before the child becomes two (2) years of age.**

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- (1) define a birth problem; and
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 - (A) hospitals;
 - (B) physicians;
 - (C) local health departments; and
 - (D) other health care providers designated by the state department.

(b) In adopting rules regarding the reporting of birth problems, the state department shall give consideration to the following factors:

- (1) The extent to which a condition can be measured or identified.

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(2) The extent to which there is a known intervention for a condition.

(3) The significance of the burden imposed on the life of the individual by a condition.

(4) Other factors that the state department determines appropriate.

SECTION 5. IC 16-38-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) The state department shall establish a birth problems registry for the purpose of recording all cases of birth problems that occur in Indiana residents and compiling necessary and appropriate information concerning those cases, as determined by the state department, in order to:

(1) conduct epidemiologic and environmental studies and to apply appropriate preventive and control measures;

(2) inform the parents of children with birth problems at the time of discharge from the hospital about care facilities and appropriate community resources; or

(3) inform citizens regarding programs designed to prevent or reduce birth problems.

(b) The state department shall ~~use~~ **record in the birth problems registry:**

(1) all data concerning birth problems of children that are provided from the certificate of live birth; and

(2) any additional information ~~concerning a birth problem~~ that may be provided by a ~~physician; or local health department;~~ an individual or entity described in section 7(a)(2) of this chapter concerning a birth problem that is:

(A) designated in a rule adopted by the state department; and

(B) recognized:

(i) after the ~~newborn~~ child is discharged from the hospital as a newborn; and

(ii) before the child is two (2) years of age.

(c) The state department shall provide a physician and a local health department with necessary forms for reporting under this chapter.

SECTION 6. IC 16-38-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) ~~Physicians, Nurse midwives local health departments, and hospitals and individuals and entities described in section 7(a)(2) of this chapter~~ shall report each confirmed case of a birth problem **that is recognized at the time of birth** to the registry not later than sixty (60) days after the birth. **An individual or entity described in section 7(a)(2) of this chapter who**

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recognizes a birth problem in a child after birth but before the child is two (2) years of age shall report the birth problem to the registry not later than sixty (60) days after recognizing the birth problem. Information may be provided to amend or clarify an earlier reported case.

(b) A person required to report information to the registry under this section may use, when completing reports required by this chapter, information submitted to any other public or private registry or required to be filed with federal, state, or local agencies. However, the state department may require additional, definitive information.

(c) Exchange of information between state department registries is authorized. The state department may use information from another registry administered by the state department. Information used from other registries remains subject to the confidentiality restrictions on the other registries.

SECTION 7. IC 16-38-4-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2001]: **Sec. 16.5. To assure accurate, complete, and timely reporting of birth problems to the registry, the state department may review the medical records of an individual or entity required to report birth problems under this chapter.**

SECTION 8. IC 16-38-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. (a) The birth problems registry fund is established for the purpose of carrying out this chapter. The fund shall be administered by the state department.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) Money in the fund at the end of a particular fiscal year does not revert to the state general fund.

(d) The state department is not required to implement the provisions of this chapter regarding birth problems described in section 1(7) of this chapter until the state department receives the funding necessary for implementation."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1864 as reprinted February 20, 2001.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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